

REMARKS

Responsive to the Office Action, Applicants hereby amend Claim 9 and add Claims 15-18 for further consideration by the Examiner. In view of the following discussion, all of the pending claims are believed in condition for allowance.

With respect to the objections to the application, Applicants have the following comments. Applicants hereby amend the specification to eliminate references to specific claims, insert appropriate headings, and eliminate informalities from the abstract. Also, a descriptive title is provided. Claim 9 is objected to for the term "mixing head". Applicants hereby amend Paragraph [0020] of the application to identify element 15 as a "filling or mixing head" to clarify that these are alternate, equivalent terms. Withdrawal of the Claim 9 objection is requested.

As to the prior art objections, Claim 9 is amended to further clarify the invention being claimed. In particular, this amended claim defines that the containers for the paint components are formed by watertight bags having substantial capacity to protect against microbial infestation. These bags have the characteristic of contracting upon discharge of the paint components in accordance with the volume of the contents. To accommodate the substantial weight of the bags, the bags are defined as standing on a pallet, which pallet is provided with support from which the bag is suspended so that the pallet carries the load of the bag, but the bag is still maintained in an upright orientation as seen in the drawings to prevent undesirable closure of the bag as it contracts.

In contrast to the claimed invention, McClain has rigid tanks 12, 14, 16 and 18 as reservoirs for the paint components. These types of tanks require that the aqueous paint components in the tanks have to be admixed with large amounts of biocides as described in Paragraph [0004] of the application. It is noted that these rigid tanks are provided

so that they can be "refilled" as described in column 14, lines 1-3 of McClain.

It is noted that the disclosure at column 6, lines 55-59 of McClain references that these tanks are each formed as a 275 gallon polymer container which is understood to be a rigid container that is refillable. While column 6 also describes that these tanks may be one of several other containers that are suitable for holding aqueous compositions, it is noted that the skilled artisan would understand that the container being referenced is of the same rigid type of refillable container as that found in the McClain disclosure. While other types of rigid refillable containers might be provided, McClain provides no disclosure or teaching that these rigid containers might be replaced with any other type of material storage device. Hence, the skilled artisan would interpret the disclosure of column 6, lines 55-59 as specifically referencing rigid, refillable containers which is consistent with the invention disclosed in McClain. In this regard, McClain also contains significant disclosures such as in column 13, at the bottom thereof, as to how the invention of McClain operates and how the components thereof are designed to display current composition levels and provide a reset prompt corresponding to each supply reservoir that allows the current level for each level to be reset so that it shows the supply reservoir being full. This system therefore is designed for use with rigid refillable containers which are particularly suitable for volume monitoring.

For the Gallo WO '282 reference, this apparatus relates to dispensing of hair coloring products wherein the pouches disclosed therein have a very small volume of only 60 or 100 ml as disclosed at page 18, line 22. These small pouches can be hung but do not stand on pallets and are a distinctly different type of pouch than the large water-tight bags defined in Claim 9. The capacity of the water-tight bags of Claim 9 is relevant and is not just a simple design selection since these large types of bags must be maintained in an open,

fluid dispensing condition without ripping despite their heavy weight and large capacity.

Claim 9 defines that the large bags, which of course would be heavy due to the substantial volume thereof, stand on the pallet, which pallet is provided with a support from which the bag is suspended. This therefore allows the bag to contract and continue to discharge the contents. This is particularly true since the bag is suspended and the conveying lines are connected to the lower region of each bag. With these types of bags, the weight of the bag could easily block the conveying lines or prevent discharge to the conveying lines without the structural arrangement of the claimed invention. As such, the heavy bags can be transported and the suspension of the bags guarantees that they are easily and completely emptied. Furthermore, the weight of the bag is almost completely carried by the pallet, whereas only a small force is present between the suspension support and the bag. As such, the bag is not ripped even if it is thin-walled, so that the thin-wall flexible bags can be used with high volumes, which bags easily contract upon discharge.

Gallo is completely silent about the use of any pallets, or the use of large heavy bags with a volume of 200 to 1500 liters that are standing on a pallet which carries the weight of the bags and allows for transport of same. Gallo is silent as to these structures, and Cane fails to cure the deficiencies of McClain and Gallo.

Accordingly, all of Claims 9-14 are believed in condition for allowance.

With respect to added Claims 15-18, Applicants also submit that these claims are in condition for allowance. In particular, independent Claim 15 further defines the arrangement of the metering system, particularly where the bags have a variable internal bag volume which contracts upon discharge of contents and each of the bags being supported by a respective support pallet having an upward-facing pallet surface on which the bag stands to support the contents in a

lower bag end. The pallet includes an upstanding support from which the bag is suspended wherein the support is engaged with a top bag end and maintains the bag in a vertically elongate condition during contraction of the bag and the internal bag volume during discharge. As referenced above, neither McClain, Gallo or Cane includes such an arrangement, particularly with a pallet which has an upward-facing surface that supports the bag contents while the bag is maintained in a vertically elongate condition during contraction thereof by an upstanding support on the pallet. Claim 16 defines that these pallets are independently transportable and positioned in a stationary position during mixing and each of the pallets supports a respective one of the bags thereon in the vertically elongate condition. Claim 17 defines that each of the pallets has the support on one side of said support surface, which support extends vertically and overlies the top bag end which is suspended therefrom. Claim 18 defines that the lower bag region includes an opening connected to the conveying line, which opening is disposed above the pallet surface with the conveying line and discharges to one side of the bag and the pallet through the conveying line. The opening is maintained open by the support maintaining bag in the vertically elongate condition. These features are not believed to be disclosed, taught or suggested by the prior art of record.

Further and favorable consideration of this application is respectfully solicited.

Respectfully submitted,


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